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is nowhere stated. And yet, considering its following in State courts, it represents a tendency important enough to deserve notice, even in a handbook. An Illinois student is entitled to know that a statute requiring a flagman at a crossing will be held to deprive the railway company of liberty, however objectionable the reasoning. Mr. Black gives a reference to one New York case in a foot-note, and that is all.

When one turns, however, from this somewhat summary disposal of important questions, the dogmatism becomes of the greatest importance and merit, and makes the body of the book most satisfactory, so that it ought to be of great service to any one studying or reviewing constitutional law. The neat and accurate language in which the contention that statutes may be bad as against mere public policy or natural justice is disposed of, the terse comment on the Dartmouth College Case, the treatment of the question of the implied powers of the Federal Government, are a few instances among many possible ones which will show to any one who looks over the book that it is a really good elementary student's work except for the one fault discussed above. R. W. H.

AMERICAN PROBATE LAW AND PRACTICE. By Frank S. Rice. Albany: Matthew Bender. 1894. 8vo. pp. l. 786.

The style of text-book, of which this work of Mr. Rice as well as his former ones on Evidence are very good types, seems to be on the increase. A digest is a very useful article to have at one's elbow, but we are apt to desire something more when we turn to the text-book. A full and complete discussion of authorities, of course, must precede or follow any dealing with a matter theoretically, but one does like the author's own idea somewhere. It would seem to be much wiser to give us a few thoughts on the subjects which we could not find by glancing through authorities in general, than to increase the size of the volume (as well as of the price) by infinite quotation and repetition. The law of supply and demand governs in most matters, however, and there must exist a demand for books of this character or they would not increase. They seem to be very popular, as we are informed in the Preface of this work that "the very flattering reception accorded to the author's former efforts" makes him hopeful of the success of this.

The author has succeeded, however, in giving us what appears to be a very good collection of authorities on a subject that seems to have been neglected. It is rather peculiar that no one has undertaken this task before, but as a whole it is said to be untouched. The book purports to deal with the "general principles governing the execution and proof of wills, the devolution of property, the administration of estates, and the relations subsisting between guardian and ward," and covers these matters quite thoroughly. The selection of authorities is a very wise one. At page 54 he deduces from *Barry v. Bullin* — or rather quotes from Baron Parke — the principle that the *onus probandi* lies on the party producing the will and rests on him all the way through; at page 275, from *Re Phené's Trust*, the principle that although after seven years a man is presumed to be dead, there is no presumption as to the time of his death. (This statement is then repeated, in the form of quotations, three times on this page.) Examples might be noted at length, but they will hardly make the book and its style plainer. In a word, it is a book which could have told us as much in a few hundred pages less just as well, and saved our

eyes and temper, but which has collected most of the cases on the various subjects in a sensible manner; and, so far as has been noticed it does cite the cases for what they represent.

J. S. S., JR.

CASES ON CONSTITUTIONAL LAW. By James Bradley Thayer, Weld Professor of Law in Harvard University. Part IV. Cambridge: Charles W. Sever. 1895. pp. xviii. 987 (1433-2420).

This part contains Ch. VIII., Ex Post Facto and Retroactive Laws (100 pp.); Ch. IX., Laws impairing the Obligation of Contracts (249 pp.); Ch. X., The Regulation of Commerce (410 pp.); Ch. XI., Money, &c. (82 pp.); and Ch. XII., War, &c. (228 pp.). It completes the whole in four parts and 2,420 pages, which will in future be divided for convenience into two volumes, the dividing line coming in the middle of what is now Part III., at p. 1189, between Eminent Domain and Taxation. There is a good index, and a preface worth reading.

A comparison naturally suggests itself between this collection of cases and parts of cases and the similarly constructed law-books which are called by their authors text-books and treatises. Here one has the meat of the cases, garnished with much sound sense and comment furnished by the editor; there one has long abstracts from the cases, furnished by a person who in his preface in one breath condemns himself to be dumb, and in the next calls himself the "author." The comparison is decidedly to the advantage of the editor. No one would care to make up his mind upon any branch of a subject like Evidence, Insurance, or Constitutional Law merely from reading a selection of abstracts called a text-book. Here one knows and sees what one is getting, and can trust to it.

R. W. H.

HANDBOOK OF EQUITY JURISPRUDENCE. By Norman Fetter. St. Paul: West Publishing Co. 1894. (Hornbook Series.)

To write an admirable treatise on Equity Jurisprudence within the space of a few hundred pages would require an amount of knowledge and skill that could hardly be attained in any other way than by an original and laborious analysis of the very sources of that system of law. In the present work the author has attempted no such ambitious task, but has endeavored to state clearly, and in the most convenient and attractive form, the principles of his subject as they are generally understood. With this aim in view, the leading books on the topic have been freely consulted and greatly relied on as guides, in many cases to advantage, in a few with less valuable results. The subject of misrepresentation, for example, as distinct from mistake on the one hand (*Redgrave v. Hurd*, 20 Ch. D. 1, 2), and fraud on the other (*Newbigging v. Adam*, 34 Ch. D. 582, *Peck v. Derry*, 14 App. Cas. 347, *Anson on Contracts*, (6th ed.), 154, *Holland, Juris.* (6th ed.) 237), has, as usual, not been given its proper due. This and similar mistakes, however, are perhaps not fair tests by which to estimate the value of the work, considering the limited purposes it aims to fulfil. On the whole, the book is a good one, and contains in little space such a concise and succinct statement of generally accepted theories as can hardly fail to recommend it to students in search of handy and not uninteresting summary of equity jurisprudence.

D. A. E.